

# **THE COMMONWEALTH OF MASSACHUSETTS**

## **Department of Telecommunications and Energy**

Telecommunications Division

One South Station, Boston, MA 02110-2212

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## **DOING BUSINESS AS A TELECOMMUNICATIONS COMPANY IN MASSACHUSETTS**

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Rev. 7/03

### **General Filing Information**

The Department of Telecommunications and Energy (DTE or Department) has general supervision, regulation of, and jurisdiction and control over the provision of telecommunications services when furnished or rendered for public use within the Commonwealth. See Massachusetts General Law (MGL) Chapter 159, Section 12 (d).

In addition, MGL Chapter 159, Section 19 requires telecommunications service providers furnishing service within the Commonwealth to have on file with the Department all rates, rules and regulations, conditions and limitations for the provision of intrastate services.

A complete set of the MGLs are available online by going to <http://www.state.ma.us/legis/laws/mgl>.

Questions regarding this information should be addressed to the Telecommunications Division at (617) 305-3540.

### **Package Materials**

This package contains the following:

1. Filing and Reporting Requirements for Telecommunications Services Providers Offering Service in Massachusetts.
2. Sample Transmittal and Combined Transmittal/Explanation Letters, and Tariff Format.
3. Guidelines regarding Residential Billing and Termination Practices for Telecommunications Service Providers.

**1. Filing and Reporting Requirements for Local and Interexchange Telecommunications Services Providers Offering Service in Massachusetts.**

**A. Registration/Statement of Business Operations**

All telecommunications service providers proposing to offer telecommunications services (Registrants) must first register with the Department before commencing operations in the State. Registrants must submit a Registration/Statement of Business Operations (Registration/SBO), and certify that they will abide by all applicable administrative rules, policies and Orders of the Department. The Registration/SBO form is not included in this packet of material, and is posted as a separate document on the Telecom Division's webpage <http://www.state.ma.us/dpu/telecom/index.htm> as *Registration/SBO*.

The Department will presume that Registrants possess the necessary qualifications to operate, a presumption which is subject to further analysis if a problem is raised by the public, another utility, or by the Department.

When completing the Registration/SBO, please respond fully to each item. If an item is not applicable, please indicate "N/A" and explain why. If more space is needed to respond, use a separate sheet of paper.

Submit an original and two (2) copies of the completed Registration/SBO, along with any attachments to:

Mary Cottrell, Secretary  
Administration Division  
Department of Telecommunications and Energy  
One South Station - 2<sup>nd</sup> Floor  
Boston, Massachusetts 02110-2212

There is no filing fee for the Registration/SBO.

**B. Tariff Filings**

Pursuant to Massachusetts General Law 159, Section 19 and 220 C.M.R. 5.00, Registrants are also required to have an approved tariff on file with the Department before offering intrastate services in Massachusetts. All tariff filings are subject to Department approval. Tariff filing fees (effective July 1, 2003):

Initial tariff or proposed revisions: \$100.00/per tariff/per filing, regardless of page length.

Multiple revisions to the same tariff (e.g. M.D.T.E. Tariff No. 1) are considered one filing. A revision to multiple tariffs (e.g. M.D.T.E. Tariff Nos. 1, 5 and 9) is considered three separate filings.

### Tariff Transmittal and Explanation Letter

Pursuant to the Department's regulations (220 CMR 5.00), all tariff filings must be accompanied by a transmittal letter that indicates **the tariff number, the specific pages being filed, and a clear explanation of the proposed filing**. A sample transmittal letter is provided in this package.

### Effective Date of Tariffs

When filing a tariff with the Department, sufficient time should be allowed to cover transmittal of the filing, i.e., 3 days if by First Class U.S. Mail, so that tariffs and schedules may become effective on the proposed effective date. Pursuant to MGL, Chapter 159, Section 19 and 220 C.M.R.5.00, common carrier tariffs become effective **30 days after the date of filing with the Department**, unless otherwise ordered by the Department.

### Request for Expedited Effective Date of Tariffs

MGL, Chapter 159, Section 19 also provides the DTE with the **discretion** to allow tariffs to take effect before the expiration of the statutory 30 days, i.e., "expedited effective date." Requests for an expedited effective date must be made in a separate letter and accompany the tariff transmittal letter, and tariff pages reflecting the statutory 30-day issued/effective dates. Such a request must: (1) specify the reason the company is requesting effectiveness of the tariff on less than the statutory 30-day time frame; (2) specify the requested effective date, and (3) include the necessary filing fee of \$100.00 per request (in addition to the tariff filing fee).

Tariff filings will be reviewed for compliance with statutes and Department policies. If the Department has any questions regarding a filing, a staff person will contact the party responsible for the filing.

All service providers must maintain a copy of their tariff(s) to be made available for public inspection, both at the DTE's Boston office, and at the carrier's local office.

### C. *Annual Report/Revenue Statement/Utility Assessment*

Massachusetts General Law Chapter 166, Section 11 provides that all telecommunications services providers doing business in Massachusetts must file an Annual Return with the Department, along with a \$5.00 filing fee, **on or before March 31**, for the year ending December 31 preceding. Failure to file an Annual Report may result in penalties, as outlined in M.G.L. c. 166, Section 12.

In addition, an Annual Revenue Statement indicating the amount of Massachusetts intrastate operating revenues must be filed with the Department and will be used for utility assessment purposes (Massachusetts General Law, Chapter 25, Section 18).

Copies of these form can be downloaded at [www.state.ma.us/dpu/telecom](http://www.state.ma.us/dpu/telecom) under “Applications and Forms.” Questions concerning DTE Annual Reports, Revenue Statements, and utility assessments may be directed to the DTE’s Rates and Revenue Requirements Division at (617) 305-3565.

**IMPORTANT - Please Note:**

Certain service providers may also be subject to additional State reporting and/or filing requirements.

The Massachusetts Secretary of the Commonwealth (SOC) requires that certain corporations, limited partnerships, limited liability companies, and limited liability partnerships, file with the Corporations Division. Please refer to the Corporations Division link on the SOC’s website at <http://www.state.ma.us/sec/index.htm>

State tax information can be obtained from the Massachusetts Department of Revenue (DOR) by going to its website at <http://www.dor.state.ma.us/> or by calling DOR's Taxpayer Services at (617) 887-MDOR or toll-free within Massachusetts at (800) 392-6089.

Other online information may also be obtained from the State's home web page at <http://www.mass.gov/portal/index.jsp>

**2. Sample Transmittal letter for Company Filing an initial SBO/Registration and initial tariff with the Department**

Date

Mary Cottrell, Secretary  
Administration Division  
Massachusetts Department of Telecommunications and Energy  
One South Station - 2<sup>nd</sup> Floor  
Boston, MA 02110-2212

RE: Your Company Name

Dear Secretary Cottrell:

Enclosed please find an original and two (2) copies of our Statement of Business Operations/Registration, and our initial Tariff M.D.T.E. No. 1, consisting of Original pages 1 through 37.

The Company proposes to offer resold local and interexchange intrastate telecommunications services to non-residential subscribers in MA. Also enclosed is the appropriate tariff filing fee in the amount of \$ 100.00. As required by Massachusetts law, the proposed tariff carries an effective date of at least thirty (30) days after the filing date with the Department.

Please acknowledge receipt of this filing by returning, file-stamped, the extra copy of this cover letter in the self addressed stamped envelope provided for that purpose.

Questions regarding this filing may be directed to [insert name] at [insert direct phone number AND email address].

Sincerely,

Company Representative/Title  
or Consultant

enc.

**Sample Transmittal / Explanation Letter re: Tariff Revisions.**

Date

Mary Cottrell, Secretary  
Administration Division  
Massachusetts Department of Telecommunications and Energy  
One South Station - 2<sup>nd</sup> Floor  
Boston, MA 02110-2212

RE: Company Name  
Tariff No. M.D.T.E. 4, Proposed Revisions for effect [insert date].

Dear Secretary Cottrell:

Enclosed please find an original and two (2) copies of revisions to our M.D.T.E. Tariff No. 4, that carries an issued date of [insert date] and effective date of [insert date]. The proposed filing consists of the following pages:

- 3rd Revised Page 6
- 8th Revised Page 7
- Original Pages 11 through 19.

These revisions increase the per-minute rates from \$0.14 to \$0.18 for customers subscribing to Dial One Service, and introduce several new discount plans for volume users. In accordance with DTE policy, the Company has provided at least thirty (30) days advance written notice of the increase in rates to its customers. A copy of the customer notice is enclosed with this filing.

We have also enclosed the appropriate filing fee of \$100. Any questions regarding this filing should be directed to [insert name] at [insert direct phone number AND email address]. Please acknowledge receipt of this filing by returning the duplicate copy of this letter in the enclosed, self-addressed envelope.

Sincerely,

Company Representative

enc.

## **Tariff Format**

Tariff filings must be submitted on standard 8 ½" X 11" paper. The original tariff copy MUST be on 3-hole punched paper. The additional two copies may be submitted on plain paper.

1. Page Numbering - Page numbers should appear in the upper right-hand corner of the page. Pages should be numbered sequentially. When a new page is added between existing pages with whole numbers, a decimal is added. For example, a new page added between page 22 and 23 would be 22.1.
2. Page Revision Numbers - Revision numbers should also appear in the upper right-hand corner of the page. These numbers are used to determine the most current page version on file. For example, the 5th revised page 22 cancels the 4th revised page 22.
3. Numbering Sequence - There are various levels of alphanumeric coding. Each level is subservient to its next higher level. The following is an example of the numbering sequence suggested for use in tariffs.
  - 2.
  - 2.1
  - 2.1.A.
  - 2.1.A.1.(a)
  - 2.1.A.1.(a)I.
4. Coding of Tariff Revisions - Revisions to tariffs should be coded through the use of symbols. These symbols should appear in the right-hand margin of the page. Suggested symbols and their meanings are:
  - R - to signify a reduction
  - I - to signify an increase
  - C - to signify a changed regulation
  - T - to signify a change in text but no change in rate or regulation
  - S - to signify a reissued matter
  - M - to signify text relocated without change
  - N - to signify a new rate or regulation
  - D - to signify a discontinued rate or regulation
  - Z - to signify a correction

Other marginal codes can be used to direct the tariff reader to a footnote for specific information. Codes used for this purpose should be lowercase letters of the alphabet e.g., x, y, or z).

See also 220 CMR 5.00.

### **3. Guidelines regarding Residential Billing and Termination Practices for Telecommunications Service Providers**

Providers of intrastate telecommunications *residential* services in Massachusetts must comply with certain billing and termination practices for *residential* customers, similar to those adopted by the Department for use by Bell Atlantic. See Docket D.P.U. 18448 (1977). These practices generally relate to billing and bill collection, residential telephone service termination, security deposit requirements, and the rights of residential telephone customers to be heard by the Department on billing matters that are in dispute with their telecommunications company.

Companies proposing to provide telecommunications services to presubscribed *residential* customers should refer to item 7 in this package which is a copy of *DPU 18448 - RULES AND PRACTICES RELATING TO TELEPHONE SERVICE TO RESIDENTIAL CUSTOMERS* as a template in preparing their own billing practices, to be filed with the service providers intrastate tariff. A company may revise certain terminology and rules, or request exemption(s) from certain requirements, if such provisions, terms or rules, are not applicable, as long as the change(s) and/or exemption(s) are not considered by the Department to result in substantive changes in a residential customers rights.

These billing practices, along with the company's tariff, will then be individually reviewed by the Department. A company which is able to comply with all billing and collections practices as set forth in D.P.U. 18448 may choose to adopt such practices by including a statement to that effect in the General Regulations section of its tariff. An example of such a statement would be "The Company will comply with the Billing and Termination Rules as set forth in DPU 18448." In such cases, there is no need to file specific billing and collection practices as an appendix to the company's tariff.